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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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INVESTIGATION INTO QWEST'S  
CABLE, WIRE AND SERVICE  
TERMINATION POLICIES AND TARIFF  
AND THE POLICIES AND TARIFFS OF  
OTHER TELECOMMUNICATIONS  
CARRIERS WITH RESPECT TO ACCESS  
TO MTE/MDU TENANTS

DOCKET NO.

**T-00000A-02-0280**

COMMISSION STAFF REQUEST FOR  
PROCEDURAL ORDER

On October 9, 2001, Cox Arizona Telecom, L.L.C. (Cox) filed Exceptions to the proposed Order on "Emerging Services" in the Commission's Qwest 271 proceeding. In its exceptions, Cox stated the following:

- a. Cox asked that the Commission require Qwest to modify its Cable, Wire and Service Termination Policy tariff on a going-forward-basis only to eliminate its potential anti-competitive effects.
- b. Cox indicated that one of its key concerns "is that the existing Qwest tariffs will act to perpetuate problems with CLEC access to subloops."
- c. Cox indicated that Qwest's Cable, Wire and Service Termination Policy provides four options for the configuration of new facilities at MDUs and MDU campus properties such as apartment complexes. Cox believes that three of the options interfere with CLEC access to MTE/MDU tenants and increase the cost of access.
- d. Cox urged the Commission to require Qwest to modify its tariff so that all new Qwest entrance facilities to MTEs and campus properties will have the Minimum Point of Entry and the demarcation point located at the same place near the property line.
- e. Cox's exception noted that although the recommended Order concluded that Cox's request was not unreasonable, it did not adopt the proposal.

At its November 16, 2001 Open Meeting to consider the proposed Order on Emerging Services in Docket No. T-00000A-97-0328, the Commission discussed the issue of what the

1 policy should be relative to the location of the demarcation between Qwest's network and the  
2 facilities controlled by the premise owner.

3 There was considerable discussion about when where and how the Commission should  
4 properly consider the issue. Qwest noted that Cox Nebraska Telecom raised this issue in  
5 Nebraska and that in that proceeding there were more property owners providing comment on  
6 that proceeding than telecommunications providers.

7 In the end, however, the Commission determined that it should not address the issue in  
8 the context of the Emerging Services Order, but in a proceeding in which the Commission's  
9 resolution would apply to all telecommunications companies. The Commission instructed Staff  
10 to open a proceeding to address this issue.

11 Staff requests that the Hearing Division issue a procedural order in order to obtain  
12 information from interested parties on the following issues.

- 13 1. Do you believe that the Commission should establish a statewide policy for  
14 providers that requires that the Minimum Point of Entry and the demarcation  
point be located at the same place near the property line? Please explain.
- 15 2. Do you believe that Qwest's tariff should be modified so that all new Qwest  
16 entrance facilities to MTEs and campus properties (MDUs) will have the  
17 Minimum Point of Entry and the demarcation point located at the same place near  
the property line? Why or why not?
- 18 3. Do you believe that the Cox proposed policy should apply, on a going forward  
19 basis or with a significant reconfiguration only, if the Commission adopts it?  
How would you define a significant reconfiguration?
- 20 4. Do you believe that the Cox proposed policy would lead to further development  
of competition in Arizona, if the Commission adopts it? Please explain.
- 21 5. What property rights issues are raised by requiring the demarcation for new MTEs  
22 be at the MPOE at the edge of the property? How do you believe that these issues  
should be resolved?
- 23 6. What property rights issues are raised by requiring the demarcation for  
24 reconfigured MTEs be at the MPOE at the edge of the property? How do you  
believe that these issues should be resolved?
- 25 7. Identify all issues that you believe the Commission would need to address if it  
26 were to adopt the Cox proposed MTE/MDU policy?
- 27 8. Do you believe that Qwest's current Cable, Wire and Service Termination Policy  
28 tariff is anti-competitive? Why or why not?

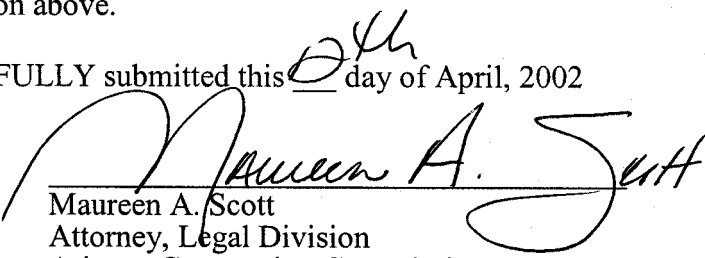
- 1 9. Do you believe that Qwest's current Cable, Wire and Service Termination Policy  
2 tariff impose any barriers to CLECs in reaching the tenants of MTEs/MDUs?  
3 Why or why not?
- 4 10. Please discuss current FCC requirements pertaining to demarcation points at  
5 MDU/MTE dwellings.
- 6 11. Do you believe that Qwest's current policies and tariffs, and the policies and  
7 tariffs of other telecommunications carriers, operating in Arizona, are consistent  
8 with FCC requirements? Do you believe Cox's proposal is consistent with FCC  
9 requirements?
- 10 12. Do you believe that the Commission should establish a policy for existing  
11 locations? If so, what policy would you recommend that the Commission adopt?
- 12 13. Please provide copies or citations for other regulatory authorities' decisions that  
13 address any of the issues raised by the Cox proposal. The decisions should  
14 include but not be limited to those decisions that address LEC obligations  
15 regarding the location and/or relocation of demarcation points, property rights and  
16 cost recovery that you believe would benefit the commission in its deliberations  
17 on this issue.
- 18 14. Please provide your recommendation on the process and/or procedures that the  
19 Commission should use to reach a decision on the Cox proposal. Please include a  
20 recommended schedule including recommended dates.

21 Staff respectfully requests that the following procedural schedule be established:

Initial Comments	June 12, 2002
Reply Comments	July 10, 2002
Staff Recommendation	August 7, 2002

22 WHEREFORE, Staff respectfully requests that the Hearing Division issue a procedural  
23 order consistent with the discussion above.

24 RESPECTFULLY submitted this 24<sup>th</sup> day of April, 2002

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29 The original and ten (10) copies  
30 of the foregoing were filed this  
31 24<sup>th</sup> day of April, 2002, with

32 Docket Control  
33 Arizona Corporation Commission  
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1 Copies of the foregoing were  
2 mailed/hand-delivered this  
3 15<sup>th</sup> day of April, 2002 to:

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18 Broomfield, CO 80021

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Mountain Telecommunications, Inc.  
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Tempe, AZ 85282

North County Communications Corporation  
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OnePoint Communications  
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Lake Forest, IL 60045-0000

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Irving, TX 75039-0000

Winstar Wireless of Arizona, Inc.  
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360networks (USA) Inc.  
12101 Airport Way  
Broomfield, CO 80021

ALLCOM USA  
2151 E. Convention Cntr Way, Ste 207-A  
Ontario, CA 91764-4483

Alliance Group Services, Inc.  
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1 American Telephone Network, Inc.  
2 2313 Sixth Avenue, South  
3 Birmingham, AL 35233-0000

4 Archtel, Inc.  
5 1800 West Park Drive, Suite 250  
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10 Enhanced Communications Network  
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13 Ernest Communications, Inc.  
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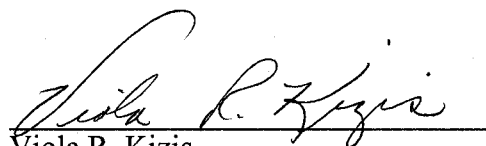
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